

Ms Rosemary Dillon
General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Dear Ms Dillon

Planning proposal PP_2018_BLUEM_001_00 to amend Blue Mountains Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 11 April 2018 in respect of the planning proposal to convert the existing period housing area provisions into local heritage conservation area provisions.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have agreed, as delegate of the Secretary, that the planning proposal is consistent with section 9.1 Direction 2.3 Heritage Conservation. No further approval is required in relation to this Direction.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to consideration being given to finalising the plan.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has not requested delegation and I have determined not to issue an authorisation as some of the subject sites are in Council's ownership.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to

meet these commitments, the Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

You will note that I have taken the opportunity to attach conditions to the determination to either clarify the intent of the proposal for the purposes of community consultation or to ensure that related provisions within Council's 2015 plan are appropriately addressed. Should you have any enquiries about these matters, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on 9860 1548.

Yours sincerely



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

17/5/18

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2018_BLUEM_001_00): to convert the existing period housing area provisions into local heritage conservation area provisions.

I, the Director, Sydney Region West at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Blue Mountains Local Environmental Plan (LEP) 2015 to convert the period housing areas into heritage conservation areas should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to:
 - (a) remove reference to section 55 of the Act and replace with section 3.3 of the *Environmental Planning and Assessment Act 1979* (page 3 refers).
 - (b) address the consistency with the final Greater Sydney Region Plan and the final Western City District Plan;
 - (c) include an explanatory note and supporting maps, identifying the location of the deferred land subject to this proposal and the proposed heritage conservation area that are proposed to apply to these sites;
 - (d) include an explanatory note that some of the existing period housing areas are currently identified as existing heritage conservation areas and are not subject to this proposal;
 - (e) identify, by a suitable diagram(s), the two existing period housing areas that will not be included in the proposed heritage conservation areas and provide an explanatory note.
 - (f) include the following after the paragraph under the heading: *Land Deferred from LEP 2015 (Amendment 1)* – p. 7: *Should amendment no.1 not be made prior to the finalisation of the planning proposal by Council, deferred sites will be removed from the planning proposal and amending plan.*
 - (g) Remove the final paragraph commencing with the words: 'It is anticipated...' on page 7 of the planning proposal.
 - (h) Under Explanation of Provisions, include Council's intention to make necessary amendments to clauses 4.3A(4) and 7.6(11) of Blue Mountains LEP 2015, and clarify the position with clause 6.18 of the LEP.
2. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Office of Environment and Heritage – NSW Heritage Council; and,
 - The NSW Rural Fire Service.

Note: In accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection, Council is to consult with NSW Rural Fire Service prior to community consultation and, if necessary, amend the planning proposal accordingly.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 17th day of May 2018.



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission